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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,355	07/02/2004	Toru Iwai	SIC-04-010	8415
29863	7590	12/09/2005	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 12/09/2005 .

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/710,355

Applicant(s)

IWAI ET AL.

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/2/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo (JP 2679162) in view of Shima et al. (JP 56134089).

Re claims 1-4 and 9-15 and 22, Otomo teaches a disk brake rotor apparatus capable of use as a bicycle brake rotor comprising: a generally circular first rotor (1) member with a first fixing (5) component structured to mount the first rotor member to a hub mounting member, a generally circular first second rotor (2) member with a first second fixing component (5) structured to mount the first second rotor member to the hub mounting member, wherein the first rotor member is attached to a side of the first second rotor member, and wherein the first second rotor member is formed of a material having greater braking wear resistance than the first rotor member wherein the first rotor member (1) comprises a first fixing component (5) structured to mount the first rotor member to a hub mounting member. Otomo does not teach wherein the first second rotor member is pressure welded to the first rotor member. Shima teaches pressure welding a first second rotor member to a first rotor member. It would have

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been obvious to pressure weld the two components in order to prevent failure of brake discs comprised of dissimilar metals.

Claims 5-8 are deemed by the examiner to be product by process claims.

Product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps.

Re claims 12-15, See Figures 1-5, Otomo.

Re claim 14, Otomo as modified does not teach wherein the fasteners are aluminum. It would have been obvious to one of ordinary skill in the art at the time the invention was made since aluminum fasteners are known for their corrosion resistance.

3. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo in view of Shima et al. as applied above and further in view of Seymour.

Re claims 16-21, Otomo as modified as modified does not teach wherein the hub mounting member comprises a centrally disposed hub attachment component structured to be mounted to the hub; and a rotor attachment component extending radially outwardly from the hub attachment component and structured to mount to the first fixing component, to the first second fixing component and to the second second fixing component. Seymour teaches a hub mounting member (Figure 3) comprising a centrally disposed hub attachment component structured to be mounted to the hub; and

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a rotor attachment component extending radially outwardly from the hub attachment component and structured to mount to the first fixing component, to the first second fixing component and to the second second fixing component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the hub mounting member of Seymour in the apparatus of Otomo as modified in order to facilitate connection of the rotor to the hub.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

November 22, 2005



*Melanie Torres*  
*Primary Examiner*

*11-22-05*